



Paper No. 6

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A/C PATENTS**

In re Application of
Oded M. Hadass, Igor Bashes and
Meiron Atias
Application No. 09/758,048
Filed: January 10, 2001
Attorney Docket No. 100.009US01
Title: EMULATING EXCHANGE FOR
MULTIPLE SERVERS

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition, filed April 26, 2001, under
37 C.F.R. §1.47(a).

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The above-identified application was filed on January 25, 2001, without the statutory basic filing fee, with additional claim fees due, and with a declaration executed by joint inventors Oded M. Hadass and Meiron Atias on behalf of themselves and on behalf of non-signing inventor Igor Bashes. No petition under §1.47 accompanied this declaration. Accordingly, on February 26, 2001, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" was mailed, requiring payment of the filing fee and additional claim fees; the signature of inventor Bashes on an oath or declaration in compliance with §1.63; and payment of the surcharge for late filing under §1.16(e). This Notice set a two-month period for reply.

In reply, applicant timely paid the filing fee, additional claim fees and the surcharge, and filed the instant petition (and fee). Applicant asserts that inventor Bashes refuses to join in the application. A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration, attorney William Weisel, set forth the facts relied on to conclude that inventor Bashes refuses to join in the application. He detailed *inter alia* presenting the application papers to non-signing inventor Bashes at his last known address by registered letter on February 13, 2001, and failing to get a response. In support thereof, applicant submitted, *inter alia*: 1) the registered letter of February 13, 2001, showing that the a copy of the patent application and declaration were sent to non-signing inventor Bashes at his last known address; and 2) what

appears to be a postal service registered letter receipt (in Hebrew). Accordingly, it is concluded that rule 47 applicant has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers.

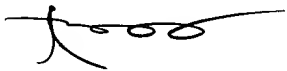
The declaration filed January 10, 2001, and the petition have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.



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